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DALTON INTERIORS

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CAROLINE DACOSTA, as Personal  
Representative and Administratrix for the  
Estate of JOSE L. DACOSTA, JR.

VS.

C.A. NO. 04CV12059 JLT

CPR FISHING, INC.

PEARL BEAUVAIS, as Personal  
Representative and Administratrix for the  
Estate of JOHN BEAUVAIS

VS.

C.A. NO. 04-12057 NG

CPR FISHING, INC.

**AFFIDAVIT OF CRAIG N. DALTON**

I, Craig N. Dalton, under the pains and penalties of perjury, hereby make affidavit as follows:

1. I have been retained by the defendant in the above entitled action as an expert in maritime navigation, rules of the road for purposes of navigation, and safety issues relating to these subjects. My experience and expertise is reflected in my curriculum vitae attached.
2. In forming my opinion, I conferred with defense counsel regarding the Coast Guard report, the 2462 report filed by Captain Weckesser, as well as the depositions of Steven Vieira and Captain Weckesser. I have also observed the charted location of the collision and the geographic details of that location within the Boston Harbor Shipping Lane.
3. Captain Weckesser was at fault for the accident giving rise to Mr. DaCosta's death due to failures of lighting, lookout, and seamanship.
4. Specifically, Captain Weckesser failed to post or keep a proper lookout. He took a position in the Boston Harbor Shipping Lane that was unsafe under the circumstances, especially since he knew his vision was obscured looking to his stern by lights shining in his eyes, by the drum roll covered by a tarpaulin, and that since he had seen a vessel to his stern while fishing which

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created a responsibility to insure that he had a stern lookout in the direction of the Katrina Lee. The stern is one of the most vulnerable areas when being approached by another vessel, which he had noted but stated he lost sight of. Further, he failed to issue a radio call

5. Captain Weckesser was required to have his stern and side lights turned out while fishing and making no way.
6. Captain Weckesser violated rules of good seamanship in his use of radar. The radar was set for six (6) miles, which was not adequate to determine the location and travel of the oncoming Katrina Lee, which he had seen on the vessel's approach. He also did not use his radar, call out on his radio, or set a watch to identify the oncoming vessel.



CRAIG N. DALTON

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF \_\_\_\_\_

*Notarization  
to be provided*

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me personally appeared \_\_\_\_\_ to me known to be the person described in, and who executed the foregoing instrument, and he/she acknowledged that he/she executed the same.

NOTARY PUBLIC

My commission expires: \_\_\_\_\_

**CERTIFICATION**

I certify that I sent a true copy of the within on 10-28-05 to:

Thomas J. Hunt, Esq.  
18 North Water Street  
New Bedford, MA 02740

Walter J. [Signature]

**Confidential Resume of:**

Captain Craig Dalton – Maritime Expert  
 11 Elm St.  
 Kingston, Mass. 02364-1905  
 781-585-5987

**HIGHLIGHTS OF QUALIFICATIONS**

- Unlimited U.S. Coast Guard Masters License upon Oceans
- First Class Pilotage for ports of Long Beach, Los Angeles, and
- Prince William Sound, Alaska
- STCW - 95 Certified
- Over 19 years ship-handling experience as Master or Chief Officer on deep draft tankers operating in shallow waters/narrow channels.
  - As master, I have accumulated many practical hours in shiphandling experience on both diesel and steam vessels. In addition, I have completed Warsash's manned model shiphandling course in Southampton, UK, SeaRiver Maritime's Emergency Preparedness course at Dania, FL, Marine Safety International's five day Bridge Team Management Course and Sogreah's six-day shiphandling course in Grenoble, France.
- USCG Approved Instructor of shiphandling to professional mariners at Massachusetts Maritime Academy's Center for Maritime Training Manned Model Facility.
- USCG Approved Instructor of Bridge Resource Management to professional mariners at Massachusetts Maritime Academy's Center for Maritime Training

**EMPLOYMENT HISTORY**

2004 - Present	Tenured Professor - Dept. Chair	Mass. Maritime Academy
2001 - 2004	Associate Professor	Mass. Maritime Academy
2000 - 2001	Dept. Chair, Marine Trans. Dept.	Mass. Maritime Academy
1998 - 2000	Assistant Professor	Mass. Maritime Academy
1994 - 1998	Master	SeaRiver Maritime Inc.
1987 - 1994	Chief Officer - Relieving Master	Exxon/SeaRiver Maritime Inc.
1983 - 1986	Master	Exxon Shipping Co.
1979 - 1983	Chief Officer	Exxon Shipping Co.
1974 - 1979	Third & Second Officer	Exxon Shipping Co.

**PROFESSIONAL AFFILIATIONS**

- Boston Marine Society
- Council of American Master Mariners
- Massachusetts Maritime Academy Alumni Association

**EDUCATION**

- B.S., Marine Transportation - Massachusetts Maritime Academy (1974)  
 Graduated Valedictorian
- Master of Management degree - Cambridge College (2000) with certificate in business.

CRAIG DALTON

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#### **ADDITIONAL TRAINING & ACCOMPLISHMENTS**

5/00 Graduated from Cambridge College with Master of Management Degree and graduate certificate in business.

10/98 Acted as moderator for assemblage of Master Mariners and pilots for evaluation of the Manned Model Program offered by The Center For Maritime Training at Massachusetts Maritime Academy.

5/98 Completed five-day Shiphhandling School operated by Warsash at Southampton, UK. Utilizing manned models, the course dealt in all aspects of practical shiphhandling with various sized vessels. Subjects practiced included docking/undocking, overtaking and meeting in narrow channels and shallow water affects.

4/97 Completed nine-day Emergency Preparedness/Shiphhandling Course at the Star Institute in Dania, FL. Course was simulator based and trained in shiphhandling and responses to emergency conditions.

4/94 Attended two-day conference on Accident Prevention and Investigation in Houston, Texas. Course was put on by SeaRiver Maritime, Inc. and dealt with the procedures involved in the determination of the Root Cause of an accident by analyzing the Causal Factors.

11/93 Attended Sperry "Exxbridge Course". Three-day course on familiarization and training for Integrated Bridge Navigation System installed upon Seariver Maritime's fleet of vessels. Course was given at Sperry's plant in Charlottesville, VA., and dealt in usage of electronic chart displays and Rastarscan radars. Production of electronic charts was also taught.

8/90 Attended MSI Bridge Team Management course, a Five-day course given at Marine Safety International's simulator in Newport, Rhode Island. Course concerned bridge team operation, voyage planning, maneuvering and simulator training.

8/83 Completed six-day ship handling course operated by Sogreah at St. Pierre de Bressieux, France. Approximately 16 hours classroom instruction and 32 hours hands on experience with 1/25th scale models. The course taught, and the students practiced, all aspects of shiphhandling, i.e.: narrow channels, unreping, docking, SPMs, etc, with many different classes of vessels.

7/81 Attended special three-day Ship handling Simulator course by Marine Safety International, at La Guardia Airport, NY. Approximately 20 hours were spent in the simulator practicing various approaches and moorings to Exxon Company's HONDO field Offshore Storage and Treatment Vessel.